

REMARKS

In an Office Action dated October 3, 2007, the Examiner objected to the Abstract; rejected the term "survey" as used in Claims 1, 3, 13-17, 21-24, 27-29, 32-43, 45-46, and 48 under 35 U.S.C. § instrument 112; rejected Claims 1, 17-20, 23-25, 27-31, and 37-48 under 35 U.S.C. §102(b) as being anticipated by Spencer (US 6,356,909); rejected Claims 2-16, 22, 26, 32-36 under 35 U.S.C. §103(a) as being unpatentable over Spencer in view of Vanderboom et al. (US 2002/0147596); and rejected Claim 21 as being unpatentable over Spencer in view of Miller et al. (US 2005/0055306). These rejections are respectfully traversed. Claims 1-48 are pending in this application. Applicants have carefully reviewed the Examiner's objection, rejections, and comments as found in the Office Action dated October 3, 2007 and provide the following remarks regarding the Office Action.

Specification

The Examiner objected to the Abstract because it exceeds the 150-word limit. The Applicant has amended the Abstract to conform to the 150-word limit. Thus, it is believed that the Examiner's objection is overcome.

Claim Rejection - 35 USC § 112

The Examiner rejected the term, "survey" as found in Claims 1, 3, 13-17, 21-24, 27-29, 32-43, 45-46, and 48 indefinite. The term, "survey" can be found in several instances within the specification. These instances clearly reflect that the meaning for the term, "survey" may include information relating to an environmental project. In one embodiment, the survey provides a user of the system with a series of environmental, geographic, and sponsor questions for the user to select. Further, the surveys may include survey questions and answers relating to environmental projects that users have identified and submitted to the central station. In addition, a survey may be categorized into efficient and meaningful sections by a user looking for an environmental project. Moreover, Figures 2D-2M are screen shots of exemplary sections of an environmental project survey. (Pg. 7, Lns 4-13; Pg. 9, Lns. 10-15 and 25-30; and Pg. 10, Ln. 29-Pg. 11, Ln. 5) These are just some examples of the as-filed disclosure that defines an environment project survey. These examples make clear the definition of being relied upon to claim the invention. Thus, the Applicants respectfully request reconsideration of the Examiner's rejection.

Claim Rejection - 35 USC § 102(b)

The Examiner has rejected Claims 1, 17-20, 23-25, 27-31, and 37-48 under 35 U.S.C. §102(b) as being anticipated by Spencer (US 6,356,909). For a *prima facie* case of anticipation to be established, the Examiner must show that, each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP §2131

Spencer teaches a web based computer system for managing creation of a RFP and responding to the RFP. The RFP is generated by an initial user(s) (purchasers) by accessing and selecting questions stored on a questions database to produce a created RFP. The created RFP is then stored on a website accessible by a RFP respondent(s) (vendors) after being notified by electronic means, such as by email. The vendor accesses a response database, which responses stored thereon, that is linked to the questions database, which is accessible through the website. Responses are selected by the respondent to create a proposal that is stored on the website. The user is then notified that the proposal is stored for their viewing.

Spencer does not teach displaying a user with an environmental project survey that includes a plurality of criteria data categories. Further, Spencer does not teach that the environmental project survey has hierarchically organized tiers of criteria data categories, such that when they are selected by a user, they display subcategories relating to the criteria data categories. It further does not teach that the subcategories are selected from at least one of air, energy, land, waste, and water. Hierarchically organized tiers are structural components that are not found in Spencer. Nor does it teach that once a criteria data category has been selected by the user, a subcategory relating to the selected criteria data category is then displayed to the user for further selecting. Additionally, Spencer does not teach selecting one of the environmental projects for funding by the at least one resource provider.

Applicant has amended Claim 1 to clarify that the system displays these hierarchical organized tiers of criteria data categories in this manner and then further displays subcategories relating to the selected criteria data categories. Also, Claim 1 has been amended to clarify that an environmental project is selected form funding by at least one resource provider. In light of the limitations presented and structure relating to the hierarchical nature of the display and the relatedness of the specifically claimed criteria data categories, the Examiner is respectfully requested to reconsider the conclusion that such limitations are nonfunctional descriptive material. Especially, in light of the fact that Claim 1 is directed to specifically environmental projects, resource providers, users, and funding of projects to be completed by the selected users of the system. Claims 37 and 40 have also been amended to clarify these limitations as discussed relating to Claim 1.

Applicant respectfully submits that Spencer does not teach each and every claim element of the Applicant's application as amended herein, and thus does not establish a *prima facie* case of anticipation. Therefore, it is believed that these rejections are overcome and amended Claims 1, 37, and 40 are allowable under 35 U.S.C. §102(b). Claims 17-20, 23-25, 27-31, and 38-46 depend from

and include all the limitations of amended Claims 1, 37, and 40, respectively, thus they are also believed to be allowable under 35 U.S.C. §102(b). Claims 3, 21, and 47-48 have been cancelled.

Claim Rejection – 35 USC §103(a)

The Examiner rejected Claims 2-16, 22, 26, and 32-36 under 35 U.S.C. §103(a) as being unpatentable over Spencer in view of Vanderboom et al. (US housing 2002/0147596). For a *prima facie* case of obviousness to be established, the following factual inquiries as enunciated in *Graham* must be determined: (A) determining the scope and contents of the prior art; (B) ascertaining the differences between the prior art and the claims at issue; (C) determining the level of skill in the pertinent art; and (D) evaluating any evidence of secondary considerations. Further, in *KSR*, a number of rationales for supporting a conclusion of obviousness consistent with the “functional approach” in *Graham* were laid out. Additionally, it is key that the Examiner articulate their reason why the claimed invention would have been obvious. (MPEP 2143) Applicant respectfully submits that Spencer in view of Vanderboom neither forms the basis of nor establishes a *prima facie* case of obviousness.

As discussed above, Spencer does not teach all the limitations as found in amended Claims 1. Vanderboom teaches an online laboratory services brokerage system that is used to maintain a network and database of member laboratories that have underutilized capabilities. RFPs are submitted for laboratory services and the database of available or underutilized capabilities is searched to match the RFP with a laboratory having available related service capacity.

Vanderboom does not teach displaying a user with an environmental project survey that includes a plurality of criteria data categories, nor does it teach that the environmental project survey has hierarchically organized tiers of criteria data categories, such that when they are selected by a user, they display subcategories relating to the criteria data categories. It further does not teach that the subcategories are selected from at least one of air, energy, land, waste, and water. Hierarchically organized tiers are structural components that are not found in Vanderboom. It does not teach that once a criteria data category has been selected by the user, a subcategory relating to the selected criteria data category is then displayed to the user for further selecting. Additionally, Vanderboom does not teach selecting one of the environmental projects for funding by the at least one resource provider.

Claim 1 has been amended to clarify these limitations as discussed above with respect to Spencer. For the reasons stated above with respect to the Spencer, and further in view of the reasons stated regarding Vanderboom, and further in light of amended independent Claim 1, Applicant respectfully submits that these two references do not form the basis of a *prima facie* case of

obviousness of independent Claim 1. Therefore, it is believed that Claim 1 is allowable under 35 U.S.C. §103(a). Claims 2, 3-16, 22, 26, and 32-36 depend from and include all the limitations of amended Claim 1, thus they are also believed to be allowable under 35 U.S.C. §103(a).

Claim Rejection – 35 USC §103(a)

The Examiner rejected Claim 21 under 35 U.S.C. §103(a) as being unpatentable over Spencer in view of Miller et al. (US 2005/0055306). Applicant has cancelled Claim 21, thus it is believed that this rejection is overcome.

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance. A 3-month extension fee is being submitted herewith. If any additional fee is due, please charge our Deposit Account No. 50-2816, under Order No. 970767.0201PTUS from which the undersigned is authorized to draw.

Respectfully submitted,
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